

KENNEDY LILLIS SCHMIDT & ENGLISH

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Attorneys for Plaintiffs

TRYG INSURANCE a/s/o Toms Confectionery Group
and TOMS CONFECTIONERY GROUP

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

TRYG INSURANCE a/s/o Toms Confectionery
Group, and TOMS CONFECTIONERY GROUP,

Plaintiffs,

- against -

C.H. ROBINSON WORLDWIDE, INC., and
NATIONAL REFRIGERATED TRUCKING, LLC,

Defendants.

Civil Action No. 15-5343 (MAS)(TJB)

AFFIRMATION OF
JOHN T. LILLIS, JR.,
REGARDING COSTS

JOHN T. LILLIS, JR., affirms under the penalty of perjury that:

1. I am an attorney admitted to practice before the Courts of New Jersey and this Honorable Court.

2. I am a member of Kennedy Lillis Schmidt & English, counsel for Plaintiffs Tryg Insurance and Toms Confectionary Group in the above-captioned action.

3. Under the witness section for the Bill of Costs for Michael Bastholm of Denmark, Mileage charges of 143 miles for \$76.51 are withdrawn from the costs application.

4. Under the witness section for the Bill of Costs for Michael Bastholm of Denmark, the round-trip charges for the transportation of the witness from Newark International Airport to New York City and back for a total amount of \$227.71 is hereby deleted and withdrawn from the costs application.

5. The Ritz Carlton in Manhattan for the evening of 2 May 2017 was necessary to receive the witness from Denmark. He needed a night to rest as well as to be near to Counsel's office in order to prepare him properly for the trial. The Ritz Carlton amount has been reduced to the statutory limit of \$267.00.

6. With respect to the invoice from Tranzlations in the amount of \$2,400.00, the minimum charge for an interpreter was a one-day minimum. The interpreter needed to take a full day off from her regular employment and this was the only amount quoted for a competent Danish to English and English to Danish interpreter. Danish interpreters are not easy to find in the Northeast United States. In conclusion, this was a full day minimum rate necessary to accommodate the witness's request that he testify in his Mother tongue – Danish. The Court will recall that the witness did testify in Danish before this Honorable Court with the assistance of the Danish translator.

7. Accordingly, I respectfully attach an Amended Bill of Costs and Bill of Costs Summary to reflect the above adjustments made by Plaintiff via this Affirmation.

I affirm under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
December 14, 2017

KENNEDY LILLIS SCHMIDT & ENGLISH
Attorneys for Plaintiffs

By:  -

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UNITED STATES DISTRICT COURT

for the
District of New Jersey

TRYG INSURANCE a/s/o Toms Confectionary
Group, and TOMS CONFECTIONARY GROUP,
v.

C.H. ROBINSON WORLDWIDE, INC., and
NATIONAL REFRIGERATED TRUCKING, LLC,

Case No.: 15-5343 (MAS)(TJB)

BILL OF COSTS

Judgment having been entered in the above entitled action on 11/28/2017 against Defendants,
Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ 400.00
Fees for service of summons and subpoena	189.90
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	1,293.26
Fees and disbursements for printing	
Fees for witnesses (<i>itemize on page two</i>)	753.03
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.	399.66
Docket fees under 28 U.S.C. 1923	413.76
Costs as shown on Mandate of Court of Appeals	
Compensation of court-appointed experts	
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	2,400.00
Other costs (<i>please itemize</i>)	
TOTAL	\$ 5,849.61

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other:

s/ Attorney:

Name of Attorney: John T. Lillis, Jr., Esq.

For: Tryg Insurance and Toms Confectionary Group
Name of Claiming Party

Date: 12/04/2017

Taxation of Costs

Costs are taxed in the amount of _____ and included in the judgment.

By:

Clerk of Court

Deputy Clerk

Date

UNITED STATES DISTRICT COURT

[illegible]

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

Bill of Costs Summary

1	Fees of the Clerk		\$ 400.00
2	Fees for service of Summons and subpoena		\$ 189.90
3	Fees for recorded transcripts	Veritext Invoice No. NY2558400 Dated 2/23/2016	
		Witness: Michael Bastholm Job date: 2/16/2016	\$ 369.00
		Dated 3/10/2016 Witness: Janet Hays	
		Job Date: 3/4/2016	\$ 510.50
		Motion hearing taken on 11/21/2016 before the Honorable Michael A. Shipp	\$ 87.58
		Cathy J. Ford, US District Court Reporter	
		Evidentiary hearing before the Honorable Michael A. Shipp on 5/4/2017	\$ 326.18
	Subtotal		\$ 1,293.26
4	Fees for Witness - Michael Bastholm		
	<i>Attendance</i>	Fees for Attendance (1 Day Trial)	\$40.00
		Parking (Trial 5/3/17)	\$ 10.00
	<i>Subsistence</i>	Lodging on 5/2/2017 (New York, NY)	\$ 267.00
		Lodging on 5/3/2017 (Yardley, PA)	\$ 101.00
		Lodging on 5/4/2017 (New York, NY)	\$ 267.00
		Meals (Trial 5/3/17)	\$ 41.80
		Meals (Trial 5/3/17)	\$ 26.23
	Subtotal		\$753.03
5	Fees for copies	In-house copies	\$ 318.00
		Acro photo print Invoice No. 169907 Dated 5/1/2017	\$ 54.44
		Acro photo print Invoice No. 169954 Dated 5/3/2017	\$ 27.22
	Subtotal		\$ 399.66
6	Docket Fees	Cathy J. Ford, US District Court Reporter	
		Motion hearing taken on 11/21/2016 before the Honorable Michael A. Shipp ECF No. 23	\$ 87.58
		Cathy J. Ford, US District Court Reporter	
		Evidentiary hearing before the Honorable Michael A. Shipp on 5/4/2017 ECF No. 43	\$ 326.18
	Subtotal		\$ 413.76
7	Interpreters	Tranzlations, LLC Invoice No. TZ02218 Dated 5/22/2017	\$ 2,400.00
	<u>Total</u>		<u>\$ 5,849.61</u>